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**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

DECISION ON ADMISSIBILITY

7 December 2011

**International Federation of Human Rights (FIDH)
v. Greece**

Complaint No. 72/2011

The European Committee of Social Rights, committee of independent experts established under Article 25 of the European Social Charter (“the Committee”), during its 254th session attended by:

Messrs Luis JIMENA QUESADA, President
Colm O’CINNEIDE, Vice-President
Mrs Monika SCHLACHTER, Vice-President
Mr Jean-Michel BELORGEY, General Rapporteur
Mrs Csilla KOLLONAY LEHOCZKY
Messrs Andrzej SWIATKOWSKI
Lauri LEPPIK
Rüçhan IŞIK
Petros STANGOS
Mrs Jarna PETMAN
Mr Giuseppe PALMISANO
Mrs Karin LUKAS

Assisted by Mr Régis BRILLAT, Executive Secretary

Having regard to the complaint dated 8 July 2011, registered on the same date as number 72/2011, lodged by the International Federation of Human Rights ("the FIDH") and signed by its President, Mrs Souhayr Belhassen, requesting the Committee to find that the situation in Greece is not in conformity with Article 11 of the European Social Charter ("the Charter of 1961"),

Having regard to the documents appended to the complaint;

Having regard to the observations of the Government of Greece ("the Government") received on 31 October 2011;

Having regard to the Charter of 1961, and in particular to Article 11 which reads as follows:

Article 11 The right to protection of health

Part I: "Everyone has the right to benefit from any measures enabling him to enjoy the highest possible standard of health attainable."

Part II: "With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed *inter alia*:

- 1 to remove as far as possible the causes of ill-health;
- 2 to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;
- 3 to prevent as far as possible epidemic, endemic and other diseases, as well as accidents."

Having regard to the Additional Protocol to the European Social Charter providing for a system of collective complaints ("the Protocol");

Having regard to the Rules of the Committee adopted by the Committee on 29 March 2004 at its 201st session and revised on 12 May 2005 at its 207th session, on 20 February 2009 at its 234th session and on 10 May 2011 at its 250th session ("the Rules");

Having deliberated on 7 December 2011;

Delivers the following decision, adopted on the above-mentioned date:

1. FIDH alleges that the situation in Greece amounts to a violation of Article 11 of the Charter of 1961. FIDH alleges that the Greek State has not taken enough steps to eliminate or reduce the harmful impact of large-scale environmental pollution on the health of persons living in the catchment area of the River Asopos and near the industrial area of Oinofyta, 50 km north of Athens, and to ensure that said persons can fully enjoy their right to protection of health.
2. The Government does not contest that the complaint meets the conditions for admissibility laid down in Article 1 b) and Article 4 of the Protocol. This is without prejudice to its arguments on the merits.

THE LAW

3. The Committee observes that in accordance with Article 4 of the Protocol, which was ratified by Greece on 18 June 1998 and entered into force for this state on 18 August 1998, the complaint has been submitted in writing and concerns Article 11 of the Charter of 1961, provisions accepted by Greece when it ratified this treaty on 6 June 1984 and to which it is bound since the entry into force of this treaty in its respect on 8 July 1984.

4. Moreover, the grounds for the complaint are indicated.

5. The Committee notes that, in accordance with Articles 1 b) and 3 of the Protocol, the FIDH is an international non-governmental organisation with participative status with the Council of Europe. It is included in the list, established by the Governmental Committee, of international non-governmental organisations that are entitled to lodge complaints before the Committee.

6. The Committee has already considered that the FIDH has particular competence for the purposes of the collective complaints procedure within the meaning of Article 3 of the Protocol in respect of several issues covered by registered complaints (FIDH v. Greece, complaint No. 7/2000, decision on admissibility of 28 June 2000, §8 ; FIDH v. France, complaint No. 14/2003, decision on admissibility of 16 May 2003, §5 ; FIDH v. Belgium, complaint No. 62/2010, decision on admissibility of 1 December 2010, §6). In view of the broad scope of activities of the FIDH, it considers that the condition is also fulfilled for the purpose of the instant complaint.

7. The complaint is signed by Mrs Souhair Belhassen President of the Organisation. The Committee has already considered that Mrs Souhair Belhassen is entitled to represent FIDH for the purposes of the collective complaints procedure (FIDH v. Belgium, complaint n° 62/2010, decision on admissibility of 1 December 2010, §7). The Committee, therefore, considers that the condition provided for in Rule 23 of the Rules is fulfilled.

8. For these reasons, the Committee, on the basis of the report presented by Mrs Karin LUKAS and without prejudice to its decision on the merits of the complaint,

DECLARES THE COMPLAINT ADMISSIBLE

In application of Article 7§1 of the Protocol, requests the Executive Secretary to notify the complainant organisation and the Respondent State of the present decision, to transmit it to the parties to the Protocol and the states having submitted a declaration pursuant to Article D paragraph 2 of the Revised Charter, and to make it public.

Requests the Executive Secretary to publish the decision on the Internet site of the Council of Europe.

Invites the Government to make written submissions on the merits of the complaint by 3 February 2012.

Invites the FIDH to submit a response to the Government's submissions by a deadline which it shall determine.

Invites parties to the Protocol and the states having submitted a declaration pursuant to Article D paragraph 2 of the Revised Charter to make comments by 3 February 2012, should they so wish.

In application of Article 7§2 of the Protocol, invites the international organisations of employers or workers mentioned in Article 27§2 of the Charter to make observations by 3 February 2012.



Karin LUKAS
Rapporteur



Luis JIMENA QUESADA
President



Régis BRILLAT
Executive Secretary